

EXHIBIT 6

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1 Deposition of witness name
2 date

3 (Reporter disclosure made pursuant to
4 Article 8.B of the Rules and Regulations of the
5 Board of Court Reporting of the Judicial
6 Council of Georgia.)

7 VIDEOGRAPHER: We are on the record. The
8 time is 2:03 p.m. on -- on November 5, 2021,
9 and this is the beginning of the video
10 deposition for Rebecca Sullivan.

11 MS. ELSON: This is Hannah Elson. I'm
12 here representing Curling plaintiffs from
13 Morrison & Foerster. I'm joined by my
14 colleague Veronica Ascarrunz also from
15 Morrison & Foerster.

16 MR. MILLER: This is Carey Miller here on
17 behalf of the state defendants. We'll be here
18 defending this deposition on behalf of my
19 client state election board member Rebecca
20 Sullivan. I don't believe we have any others
21 in the room at the moment from our side this
22 is.

23 MS. ROWAN: Nancy Rowan from the office of
24 the county attorney here on behalf of Fulton
25 County bored board of registration and election

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1 Q. Have audits ever come up at state election
2 board meetings?

3 A. We have passed a rule regarding audits.

4 Q. Do you discuss audits with the secretary
5 of state's office?

6 A. I don't recall any specific discussions
7 with the secretary of state's office regarding that
8 topic.

9 Q. You mentioned an RLA audit.

10 Can you explain step by step how that
11 works?

12 MR. MILLER: Objection. Lack of
13 foundation. Ms. Sullivan is not testifying as
14 an expert.

15 THE WITNESS: No, I cannot.

16 BY MS. ELSON:

17 Q. What do you understand the difference to
18 be between an audit and a recount under Georgia law?

19 MR. MILLER: Objection. Calls for a legal
20 conclusion.

21 THE WITNESS: My understanding is that a
22 recount is something that a candidate is
23 entitled to request if there is a certain
24 percentage difference between the votes and
25 that recount is conducted under rule by

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1 scanning versus a risk limiting audit which is
2 a manual hand recount and is something that's
3 set forth in the law to be required on a
4 periodic basis.

5 BY MS. ELSON:

6 Q. So a risk limiting audit is conducted by
7 hand?

8 A. That is my understanding.

9 Q. And what exactly is tabulated by hand
10 during a risk limiting audit?

11 A. The votes.

12 Q. Given that in this case there are two
13 pieces of the printed paper, can you be more
14 specific when you say "the vote"?

15 A. I'm sorry. I didn't understand your
16 question about two pieces of paper.

17 Q. Yeah. That was -- I misspoke.

18 Given in this case that there are two
19 pieces of information on each ballot, a portion of
20 text and a QR code, can you detail what you mean by
21 "the vote"?

22 A. In a risk limiting audit, they're counting
23 the printed text is my understanding.

24 Q. Okay. Does the risk limiting audit ever
25 compare the printed text on a ballot to the QR code

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1 on that same ballot?

2 A. I am not an expert on risk limiting

3 audits.

4 Q. So as a state election board member, you

5 don't know whether during a risk limiting audit, the

6 printed text on the ballot is compared to the QR

7 code on that ballot?

8 MR. MILLER: Object to form.

9 THE WITNESS: I mean, I believe that there

10 is -- I don't know specifically what you're

11 asking me.

12 BY MS. ELSON:

13 Q. During a risk limiting audit -- strike

14 that.

15 If a QR code was changed from what the

16 voter selected, would a risk limiting audit be able

17 to pick up on that change?

18 MR. MILLER: Objection. Calls for

19 speculation.

20 THE WITNESS: I'm sorry. Could you

21 rephrase your question?

22 BY MS. ELSON:

23 Q. If somehow a QR code reflected something

24 differently than the human readable portion of a

25 voter's ballot, would a risk limiting audit be able

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1 to detect that discrepancy?

2 MR. MILLER: Same objection.

3 THE WITNESS: I think you're -- you're

4 getting into technical issues which I don't

5 have any real knowledge of. I am not an expert

6 regarding QR codes.

7 BY MS. ELSON:

8 Q. Do you think it's important that each

9 voter's vote is counted when they cast a ballot in

10 the Georgia election?

11 MR. MILLER: Object to form.

12 THE WITNESS: Yeah.

13 BY MS. ELSON:

14 Q. And is there any mechanism available in

15 Georgia for a voter to be sure that their vote is

16 counted as they cast it?

17 A. They can review the printed text on their

18 ballot and be -- I think that can be safe that their

19 vote is counted.

20 Q. And can you say more about what you mean

21 when you say "they can be sure -- or they can be

22 safe -- it's safe that their vote was counted"?

23 A. We don't have any reason to believe in

24 Georgia that the vote that is the printed ballot is

25 not what is couldn't -- the -- the vote as reflected

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1 entitled to vote should be able to cast their vote.

2 Q. Would you be concerned if you were forced

3 to vote by a mail-in ballot in Georgia?

4 MR. MILLER: Object to form.

5 THE WITNESS: If I were -- I have a hard

6 time spec -- I mean, you're asking me a very

7 speculative thing. I cannot imagine a

8 situation where I was forced to vote by an

9 absentee ballot.

10 BY MS. ELSON:

11 Q. If you found out after an election that

12 your particular vote had not been counted, would you

13 find that concerning?

14 MR. MILLER: Objection. Calls for legal

15 conclusion. Excuse me. Calls for speculation.

16 THE WITNESS: Would I find it concerning

17 if my vote was not counted?

18 BY MS. ELSON:

19 Q. Yes.

20 A. Yes, I would be concerned if my vote was

21 not counted if it was legally and appropriately

22 voted.

23 Q. And a couple of questions about

24 hand-marked paper ballots.

25 Would you use ballot marking devices that

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1 A. How about five.

2 Q. That's five?

3 VIDEOGRAPHER: Sorry. Off record 25:35.

4 (Off the record.)

5 VIDEOGRAPHER: We're back on the record.

6 The time is 3:02.

7 BY MS. ELSON:

8 Q. All right. Are you aware that an expert
9 in this case named Alex Halderman has examined
10 Georgia's voting equipment and issued a report about
11 it?

12 A. I have heard that.

13 Q. What do you know about that report or what
14 have you heard about it?

15 A. I just know that it has been done.

16 Q. Have you read about Dr. Halderman's public
17 reply or his declarations?

18 A. I have not.

19 Q. Have you heard news reports covering
20 Dr. Halderman's work?

21 A. I don't have any knowledge of his work,
22 no.

23 Q. If you were to hear that Dr. Halderman
24 found that Georgia's current election system can be
25 hacked in numerous ways, would that concern you?

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1 MR. MILLER: Object to form.

2 THE WITNESS: I don't have any specific

3 knowledge of his report and do not feel like

4 it's appropriate to comment on that.

5 BY MS. ELSON:

6 Q. Would it concern you if a cyber security

7 expert were to tell you that they examined Georgia's

8 election system and found that it could be hacked?

9 MR. MILLER: Objection. Calls for

10 speculation.

11 THE WITNESS: I would certainly want to

12 know the circumstances of that and I don't have

13 the circumstances of that.

14 BY MS. ELSON:

15 Q. Has the state election board taken any

16 action to learn more information about

17 Dr. Halderman's report?

18 MR. MILLER: Objection. Relevance.

19 THE WITNESS: I have not, no.

20 BY MS. ELSON:

21 Q. Have other state election board members,

22 to your understanding?

23 A. I don't know.

24 Q. Would you like to know more information

25 about the vulnerabilities that Dr. Halderman found?

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1 MR. MILLER: Object to form.

2 THE WITNESS: I'm sorry. Would I like to

3 know more about it?

4 BY MS. ELSON:

5 Q. Yes.

6 A. It is -- it is good generally for the

7 board to be aware of things regarding the election

8 system that we can effect by changes through rules.

9 If there are rules that we can pass make better

10 security, I think that is always a good thing.

11 Q. Do you think that having information about

12 security vulnerabilities in the election system

13 would assist the state election board in

14 promulgating rules related to security?

15 MR. MILLER: Object to form.

16 THE WITNESS: We're speaking

17 speculatively. I think that would depend on

18 what kind of concerns they're talking about.

19 BY MS. ELSON:

20 Q. Are you aware that plaintiffs in this case

21 have asked secretary of state's office to provide a

22 proposal to allow both the secretary of state's

23 office and the state election board to access some

24 of Dr. Halderman's report?

25 MR. MILLER: Objection. Form and